

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Arthur Albano	Team: Team # 3	CCRB Case #: 201405986	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/12/2014 12:01 PM	Location of Incident: Atlantic Avenue and 4th Avenue	Precinct: 84	18 Mo. SOL 12/12/2015	EO SOL 12/12/2015	
Date/Time CV Reported Tue, 06/17/2014 3:00 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 06/17/2014 3:01 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Christophe Greiner	01425	930271	NARCBBS
2. SGT Luke Denesopolis	00392	922235	NARCBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Daniel Aybar	00968	923528	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.SGT Luke Denesopolis	Abuse: Sgt. Luke Denesopolis supervised the stops of § 87(2)(b) and an individual.	
B.DT3 Christophe Greiner	Abuse: Det. Christopher Greiner frisked § 87(2)(b)	
C.DT3 Christophe Greiner	Abuse: Det. Christopher Greiner searched § 87(2)(b)	
D.DT3 Christophe Greiner	Abuse: Det. Christopher Greiner searched an individual.	
E.DT3 Christophe Greiner	Abuse: Det. Christopher Greiner searched § 87(2)(b)	

### Case Summary

This case was received by the CCRB on June 12, 2014, on August 1, 2014 the case was transferred to Team 3 from the Intake Unit and assigned to the undersigned investigator, at which time § 87(2)(b) was interviewed.

On June 12, 2014, at approximately 12:15 p.m., § 87(2)(b) was walking in a group that included § 87(2)(b) and § 87(2)(b) § 87(2)(b)'s wife, to a train station near Pacific Street and 4<sup>th</sup> Avenue, in Brooklyn. Once the four individuals arrived at the corner of Pacific Street and 4<sup>th</sup> Avenue, § 87(2)(b) stated that they all started smoking cigarettes, and an unmarked, black minivan pulled up beside them.

§ 87(2)(b) stated that three plainclothes officers, determined by investigation to be Det. Christopher Greiner, Det. Daniel Aybar, and a supervisor, Sgt. Luke Denesopolis, all of Narcotics Borough Brooklyn South, exited the van and approached § 87(2)(b) with their badges out, causing the four civilians to stop (**Allegation A**). Det. Greiner allegedly stated to § 87(2)(b) "Don't worry, we just need to talk to you, search you if needed." Det. Greiner then allegedly frisked and searched § 87(2)(b) as well as searched § 87(2)(b)'s purse (**Allegations B-D**). Det. Greiner allegedly did not find anything through § 87(2)(b)'s search, and allegedly found some prescription medication for diabetes and anxiety in § 87(2)(b)'s pocketbook. Det. Greiner allegedly opened § 87(2)(b)'s prescription bottle and counted how many pills were in the bottle (**within Allegation D**). § 87(2)(b) and § 87(2)(b) were then allegedly released without summonses or arrests, and the two walked away.

During this time, § 87(2)(b) was arrested for § 87(2)(b) however § 87(2)(b) did not see how the controlled substance was recovered from § 87(2)(b).

After that, Det. Greiner allegedly turned his attention to § 87(2)(b) and stated, "What do you have?" Det. Greiner then allegedly asked for § 87(2)(b)'s bag, which she gave to him, and which he proceeded to search (**Allegation E**). Det. Greiner stated to § 87(2)(b) "If you have any drugs, you better tell me."

According to § 87(2)(b) Det. Greiner found a small bottle of urine, that she was carrying for her rehabilitation program. He allegedly asked about the bottle, and § 87(2)(b) explained what it was for. Det. Greiner then continued to search all of her pockets, and didn't find anything else (**Within Allegation E**). Det. Greiner then arrested § 87(2)(b) and according to § 87(2)(b) Det. Greiner explained that his purpose for arresting her was to take her to the stationhouse and test the urine for drugs.

### Mediation, Civil, and Criminal Histories

- § 87(2)(b) rejected mediation as an alternative resolution to this complaint.
- A Notice of Claim inquiry was sent to the New York City comptroller's office on April 21, 2015. A response to this request will be included in the case file upon its receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This is the first complaint filed by or including § 87(2)(b) (encl. 3G).
- Det. Greiner has been a member of the service for 12 years and has three substantiated CCRB allegations against him. In CCRB case number 201206163, the CCRB substantiated allegations of a stop, discourtesy (word), and refusal to provide name and shield number, for which the CCRB recommended charges. There is no record of the NYPD dispositions or penalties in regards to these allegations, as of the date of this

report. § 87(2)(g)

- Sgt. Denesopolis has been a member of the service for 16 years and has three substantiated allegations against him. In CCRB case number 201402139, the CCRB substantiated a vehicle search allegation, an Abuse-other allegation for searching an individual's bags, and a frisk allegation. § 87(4-b), § 87(2)(g)

The CCRB recommended charges for the substantiated allegations, however, no NYPD dispositions or penalties in regards to these allegations are available as of the date of this report. § 87(2)(g)

### **Potential Issues**

Although § 87(2)(b) and § 87(2)(b) were contacted by the CCRB they refused to provide a statement regarding the incident. § 87(2)(b) also confirmed that § 87(2)(b) was his wife, but did not want to provide her personal contact information or allow her to speak with the investigator. Therefore, no statements were obtained by the three alleged victims from § 87(2)(b)

### **Findings and Recommendations**

#### **Explanation of Subject Officer Identification**

§ 87(2)(g)

described him to be a 6' tall, 200-lb white man. Det. Greiner is a 33 year old, 5'10" tall, 170-lb white man. § 87(2)(g)

#### **Allegations not Pleaded**

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

**Allegation A- Abuse of Authority- Sgt. Luke Denesopolis supervised the stops of § 87(2)(b) and an individual.**

**Allegation B- Abuse of Authority- Det. Christopher Greiner frisked § 87(2)(b)**

**Allegation C- Abuse of Authority- Det. Christopher Greiner searched § 87(2)(b)**

**Allegation D- Abuse of Authority- Det. Christopher Greiner searched an individual.**

**Allegation E- Abuse of Authority- Det. Christopher Greiner searched § 87(2)(b)**

It is undisputed that Sgt. Denesopolis, Det. Greiner and Det. Aybar stopped and eventually arrested § 87(2)(b) and § 87(2)(b) for § 87(2)(b). § 87(2)(b) also alleged that the same team of officers also stopped § 87(2)(b) and § 87(2)(b). Although § 87(2)(b) was uncooperative with providing a statement to the CCRB, and did not provide any specifics regarding the incident or the allegations, he expressed a general knowledge of the incident in question. He also initially agreed to provide a statement to the CCRB in regards to the incident in question. § 87(2)(g)

According to § 87(2)(b) all four of the civilians were simply standing at the corner of Pacific Street and 4<sup>th</sup> Avenue, smoking cigarettes before being stopped by officers. The officers then proceeded to conduct a strictly exploratory frisk of § 87(2)(b) and an exploratory search of § 87(2)(b) and § 87(2)(b) and then an exploratory search of § 87(2)(b)'s purse. § 87(2)(b) stated that the search of her purse produced a urine bottle which Det. Greiner used to arrest and conduct a urine analysis for drugs.

According to Det. Greiner's Misdemeanor Narcotics Possession Fact Sheet (encl. 6G) and supporting deposition (encl. 6H-J) in regards to § 87(2)(b)'s arrest, Det. Greiner observed § 87(2)(b) with one bottle of methadone without any label in her right hand. Additionally, based on the supporting depositions and the documented arrest evidence voucher (encl. 16A) the bottle tested positive for methadone residue.

While Det. Greiner and Sgt. Denesopolis did not have a specific recollection of this incident, they did testify that the location of the arrest for § 87(2)(b) is a known drug location, specifically for illegal methadone possession and sale. Both testified that they and members of their team had made numerous arrests within a close perimeter of that location for the same and similar offenses. Both also testified that methadone bottles are distinctive in color and shape, and possession of one with the label removed, alone, is grounds for an arrest.

Det. Aybar stated that Det. Greiner and Sgt. Denesopolis stated that there appeared to be a transfer of narcotics between § 87(2)(b) and § 87(2)(b). Upon arriving at the scene, § 87(2)(b) was immediately placed under arrest, and § 87(2)(b) was arrested directly after. According to Det. Aybar, although he didn't specifically see the arrest evidence being recovered, since he was standing behind Det. Greiner, both § 87(2)(b) and § 87(2)(b) were arrested prior to any searches being conducted.

The investigation could find no documentation (memo book entries, stop question and frisk reports) of an interaction with § 87(2)(b) or § 87(2)(b). It is undisputed that neither was arrested or summonsed.

Innocuous behavior alone, even in a high crime area, does not create founded or reasonable suspicion that a crime is at hand. People v. Hampton, 200 A.D.2d 466 (1st Dept. 1994). (encl. 1B-D)

§ 87(2)(g)

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§ 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature                      Print                      Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date